

**REMARKS**

Claims 59-63 are canceled herein to expedite prosecution and without prejudice to prosecution of the subject matter in a divisional application. Claims 3-8, 10, 12-40, 42-47, 49 and 51-58 are pending in the application.

The claim 3 and claim 42 definition of surfactant formula (27) is amended to require at least one of  $R^2$ ,  $R^3$ ,  $R^4$  or  $R^5$  to be an alkoxy group of formula  $-(R^8)_s(R^7O)_nR^6$  in order to provide agreement with its antecedent in the formula (27) preamble requiring **alkoxylated** triamines. Support for the present amendment is provided at paragraphs [0087]-[0088] of publication number US 2003/0096708 A1 that expressly indicates that the triamines of formula (27) are alkoxylated and that  $R^2$ ,  $R^3$ ,  $R^4$  or  $R^5$  can independently be an alkoxy group of formula  $-(R^8)_s(R^7O)_nR^6$ . Hence, alkoxylation requires that at least one of  $R^2$ ,  $R^3$ ,  $R^4$  or  $R^5$  be  $-(R^8)_s(R^7O)_nR^6$  and the amendment is therefore supported by the specification.

**Interview Summary**

Applicants' undersigned attorney wishes to thank Examiner Pryor for the courtesy of a telephone interview held on March 23, 2009 regarding the outstanding rejection of (i) pending claims 3-8, 10, 12-40, 42-47, 49 and 51-58 under 35 U.S.C. §103(a) based on the combined teachings of U.S. Patent No. 6,607,666 (**Hasebe** et al.) and U.S. Patent No. 5,750,468 (**Wright** et al.) and (ii) pending claims 59-63 under 35 U.S.C. §103(a) based on the combined teachings of **Hasebe** and **Wright**, further in view of U.S. Patent No. 5,795,847 (**Nielsen** et al.). **Hasebe** and **Nielsen** were discussed.

As to **Hasebe**, the Office indicated that the elected second surfactant species (alkoxylated triamines of formula (27)) would

be distinguished from the triamine chelator formula (f) disclosed by **Hasebe** at column 16:17-25 if amended to require at least one of  $R^2$ ,  $R^3$ ,  $R^4$  or  $R^5$  be an alkoxyate moiety. Applicants clarifying amendment to formula (27) requiring at least one of  $R^2$ ,  $R^3$ ,  $R^4$  or  $R^5$  be an alkoxyate moiety excludes **Hasebe** from the scope of the claims.

The merits of the rejection over **Nielsen** were discussed, but no agreement was reached.

**Rejection Under 35 U.S.C. §103(a)**

Claims 59-63 are canceled by the present amendment thereby rendering moot the rejection of those claims over **Hasebe** and **Wright** further in view of **Nielson**.

Pending claims 3-8, 10, 12-40, 42-47, 49 and 51-58 stand rejected under 35 U.S.C. §103(a) based on the combined teaching of **Hasebe** and **Wright**.

The pending claims are directed, in relevant part, to the combination of surfactant formulae (5) and (27). As explained above, the presently amended claims are distinguished from **Hasebe** thereby removing it as a reference that allegedly discloses the claimed alkoxyated triamine surfactants of formula (27).

Some of the specific etheramine surfactants disclosed by **Wright** fall within formula (5) as defined in the pending claims. However, **Wright** is silent regarding the claim element of alkoxyated triamine surfactants of formula (27), and therefore fails to describe or suggest the claimed combination of formulae (5) and (27) as required by claims 3 and 42, and the claims that depend therefrom.

Because neither **Wright** or **Hasebe** describe or suggest the claim element of alkoxyated triamine surfactants of formula (27), Applicants respectfully submit that the combination of

surfactant formulae (5) and (27) as required by claim 42 is non-obvious over **Wright**, and claim 42 (and claims 43-47, 49, 51, 54 and 55 that depend therefrom) are allowable over the combination of **Wright** and **Hasebe**.

Applicants further submit that the claim 3 combination of elected surfactant species of formulae (5) and (27) is likewise non-obvious over **Wright**. According to M.P.E.P. §809.02(c), whenever a generic claim is found to be allowable in substance, action on the species claims shall thereupon be given as if the generic claim were allowed. Thus, if it is determined that the elected species is patentable, it is incumbent upon the Office to search additional species that fall within any allowable generic claims. Applicants respectfully request that the Office carry out this required search.

### **Conclusion**

Favorable reconsideration and allowance of all pending claims are respectfully requested.

The Examiner is invited to contact the undersigned attorney should any issues remain unresolved.

The Commissioner is hereby authorized to charge the fee for one month extension of time up to and including April 27, 2009 (April 26, 2009 being a Sunday), and any other fees in connection with this response, to Deposit Account No. 19-1345.

Respectfully submitted,

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